

February 9, 2009

United States Bankruptcy Court  
One Bowling Green  
New York, NY 10004

Attn: Honorable Judge Robert D. Drain

Ref:

Delphi Corp Case # 05-44481 filed October 8, 2005  
Document # 14705 to Cancel OPEB (Health Insurance Benefits) for all Retirees

Dear Judge Drain:

This letter is to express my concerns with Document #14705 filed by Delphi Corporation on February 4, 2009 asking the court to cancel health insurance benefits (OPEB) for over 15,000 people who are retirees of Delphi Corporation.

**Please note that this letter is an OBJECTION to that document and file it as a motion to object to document #14705.**

This document was filed with no previous warning to any of the current employees and retirees of Delphi Corporation and was only made known to us via letter on February 5, 2009 and gave us a mere twelve days to file our objections.

The following statement from the United States Department of Labor Employee Benefits Security Administration web site states in part that "Generally, your retirement assets should not be at risk if your employer declares bankruptcy. Federal law requires that retirement plans fund promised benefits adequately and keep plan assets separate from the employer's business assets. The funds must be held in trust or invested in an insurance contract. The employers' creditors cannot make a claim on retirement plan funds."

My impression from the above statement is that what Delphi is trying to do in bankruptcy is illegal. Obviously, Delphi/GM has purposely never fully funded the retirement obligation. When they had significant profits, they used them to build and buy foreign and domestic operations and businesses, wasting billions in some cases on short sighted business practices while "promising" a certain package of benefits. In this motion, Delphi makes a big deal about their "right" to modify or terminate these benefits, but they fail to mention the fact that for years they have been allowed to under fund the retirement benefits with the implication that they would make up the difference in the future. Delphi also fails to mention that they placed that verbiage in their salary plans after Congress passed laws (ERISA) that were meant to insure that retirees received the benefits that the company promised.

Well, the future is here and now. Instead of eliminating these benefits, it is time to order Delphi, if necessary, to sell off some of there business in order to maintain these benefits. I understand that Delphi and GM are currently in negotiations to have GM buy back a number of Delphi plants. It is time to recognize that it is the hard work of these now retired employees, among others, that made it possible for Delphi to purchase and build those foreign and domestic businesses in the first place. In other words, Delphi has borrowed the money for years that was supposed to go into retiree benefits. The loan is now due. It is Delphi's and GM's obligation to pay it.

Many of the most recent retirees of Delphi were retired BY the company and NOT by the choice of the employee. They were given no decision to make, just told they would be retiring on a specific date. They were not given the option to retire from GM like many of the hourly retirees were given during that same time period. They had little time to prepare for retirement, and little time to adjust to a significantly reduced income before they were hit with this latest development (loss of health care) which will cause financial hardship for every retiree. A significant percentage of people that loose health care between the ages of 55 and 65 can not replace it due to pre-existing conditions for themselves or their families. It will have huge impacts not only on the retirees and soon-to-retire, but also every community where retirees live.

With the current state of the economy, retirees who had saved for retirement in their Stock Savings Plans, have lost 40 – 60 % of their savings. As you know, the cost of living has increased significantly in the last two years based upon rising energy costs alone. This coupled with the loss of health care benefits would have a crippling effect on the lives of every retiree of Delphi Corporation.

It is my belief that there are other ways to restructure the company and still retain health care for retirees. Health care benefits are currently scheduled to stop at the age of 65 for all retirees. This cost is a decreasing cost to the company as more retirees reache that 65 age milestone.

Please know that each of the 15,000 + retirees and soon-to-retire, who will be negatively impacted by this action, will be looking to you for your consideration when making the decision concerning Document #14705 dated February 4, 2009.

**We ask you to REJECT this motion.**

Sincerely yours,

*Robert P. Hartley*

Robert P. Hartley  
2915 Homeway Dr.  
Dayton, OH 45434  
937-429-4632